

**ORDINANCE NO. 07-72**

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ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT-BASED TEXTUAL AMENDMENTS OF THE HIALEAH, FLA., COMPREHENSIVE PLAN 2003-2015 AND IN PARTICULAR, REVISING THE FUTURE LAND USE ELEMENT, HOUSING ELEMENT, POTABLE WATER ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT THAT ALSO INCLUDES A REJUSTIFICATION OF THE TRANSPORTATION CONCURRENCY MANAGEMENT AREAS 2006-2015; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on April 27, 2007, the City of Hialeah, pursuant to Hialeah, Fla., Resolution 07-45 (Apr. 27, 2007), approved the transmittal of the Evaluation and Appraisal Report-based textual amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 to the Department of Community Affairs for its sufficiency review; and

**WHEREAS**, on June 4, 2007, the South Florida Regional Planning Council determined that the proposed amendments were generally consistent with the Strategic Regional Policy Plan for South Florida; and

**WHEREAS**, on July 6, 2007, the Department of Community Affairs issued its Objections, Recommendations and Comments Report, containing comments and objections to which the City incorporated, or responded to, into the revised EAR-based textual amendments .

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The Mayor and the City Council of the City of Hialeah, Florida hereby approve the Evaluation and Appraisal Report-based textual amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 and in particular, revising the Future Land Use Element, Housing Element, Potable Water Element, Conservation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Capital Improvements Element that also includes a Re-Justification of the Transportation Concurrency Management Areas 2006-2015. The proposed amendments (Exhibit "1"), which are made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

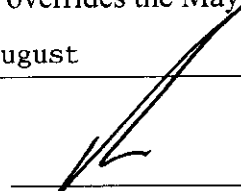
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

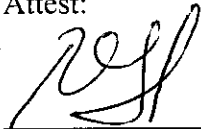
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 28<sup>th</sup> day of August, 2007.

**THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.**

  
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Esteban Bovo  
Council President

Attest:



\_\_\_\_\_  
Rafael E. Granado, City Clerk

Approved on this 30 day of August, 2007.

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".